



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 18 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Darrell Monk, Plant Manager
Norlite, LLC
628 South Saratoga Street
P.O. Box 684
Cohoes, NY 12047

Re: Norlite, LLC Administrative Order: EPA Docket No. CAA-02-2016-1004


Dear Mr. Monk:

Pursuant to Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413 et seq., the United States Environmental Protection Agency (EPA) issues the enclosed Compliance Order to Norlite, LLC (Norlite) for violations at its facility located at 628 South Saratoga Street, Cohoes, New York.

This Order requires Norlite to conduct a comprehensive performance test at its Kiln 1, and comply with all operating parameter limits for Kiln 1 and Kiln 2 as required by 40 C.F.R. Subpart EEE. The specific violations are described in the enclosed Compliance Order and future compliance with the CAA is required.

If you have any questions or comments regarding this matter, please contact Christopher Saporita at (212) 637-3203.

Sincerely,


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Enclosure

cc: Robert Stanton
New York State Department of Environmental Conservation

Thomas Christoffel, Regional Air Pollution Control Engineer
New York State Department of Environmental Conservation, Region 4

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

In the Matter of:

Norlite, LLC
New York

Respondent

In a proceeding under
Section 113(a) of the Clean Air Act

ADMINISTRATIVE
COMPLIANCE ORDER
CAA-02-2016-1004

ADMINISTRATIVE COMPLIANCE ORDER

A. PRELIMINARY STATEMENT

1. This Administrative Compliance Order ("Order") is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 113(a) of the Clean Air Act (the "CAA" or "Act"), 42 U.S.C. Section 7413(a)(3) & (4).
2. On the EPA's behalf, Dore LaPosta, Director, Division of Enforcement and Compliance Assistance ("DECA Director") is delegated the authority to issue this Order under Section 113(a) of the Act.
3. Respondent, Norlite, LLC ("Norlite") is located at 628 South Saratoga Street in Cohoes, New York. Respondent is a "person" as defined by Section 302(e) of the Act, 42 U.S.C. Section 7602(e).

B. STATUTORY AND REGULATORY BACKGROUND

4. Whenever "person" is used in the Act, the term includes an individual, corporation, partnership, association, state, municipality, political subdivision of a State, and any agency, department, or instrumentality of the United States and any officer, agent, or employee thereof.
5. Section 113(a)(3) of the CAA authorizes the EPA Administrator to, among other actions, issue compliance orders to any person whenever, on the basis of any information available to EPA, the Administrator finds that such person has violated or is in violation of any requirement or

prohibition of Title I of the Act, or of any regulation promulgated pursuant to Section 112 of the Act.

6. Pursuant to EPA Delegation of Authority 7-6-A and EPA Region 2 Delegation of Authority 7-6-A, the authority to make findings of violation and to issue a CAA Section 113(a) Compliance Order has been delegated to the DECA Director by the EPA Administrator through the Region 2 Regional Administrator.
7. Section 114 of the CAA authorizes the EPA Administrator to require testing, monitoring, record-keeping, and reporting of information, to enable him or her to carry out any provision of the Act (except certain provisions in Title II) and to assess compliance with, among other requirements, any regulations promulgated under Section 112 of the Act.
8. Pursuant to EPA Delegation of Authority 7-8 and EPA Region 2 Delegation of Authority 7-8, the EPA Administrator's information gathering authority under CAA Section 114 has been delegated to the DECA Director, through the Region 2 Regional Administrator.

National Emissions Standard for Hazardous Air Pollutants from Hazardous Waste Combustors

40 C.F.R. Part 63, Subpart EEE

9. Section 112 of the Act requires the EPA Administrator to: (i) publish a list of hazardous air pollutants ("HAPs"), (ii) publish a list of categories and subcategories of major and area sources of those HAPs, and (iii) promulgate regulations establishing emission standards for each such category and subcategory.
10. Emissions standards promulgated pursuant to Section 112 are commonly known as National Emissions Standards for Hazardous Air Pollutants ("NESHAPs"). NESHAPs promulgated

under the CAA as it existed prior to the 1990 CAA amendments are set forth in 40 C.F.R. Part 61. NESHAPs promulgated under the CAA as amended in 1990 are set forth in 40 C.F.R. Part 63. Part 63 NESHAPs are sometimes known as MACT standards, because Section 112(d) of the CAA, as amended in 1990, directs EPA to promulgate emissions standards based on the maximum achievable control technology (“MACT”).

11. Section 112(a) of the Act contains definitions relevant to Section 112. More specifically:
 - a. Section 112(a)(1) of the Act defines “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.
 - b. Section 112(a)(2) of the Act defines “area source” as any stationary source of hazardous air pollutants that is not a major source.
 - c. Section 112(a)(3) of the Act defines “stationary source” as any building, structure, facility or installation which emits or may emit any air pollutant.
 - d. Section 112(a)(9) defines “owner or operator” as any person who owns, leases, operates, controls or supervises a stationary source.
12. Pursuant to Section 112 of the Act, EPA promulgated Subpart EEE – the National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors set forth in 40 C.F.R. § 63.1200 *et seq.* (“Hazardous Waste Combustor MACT”).
13. 40 C.F.R. § 63.1200(a) provides that the Hazardous Waste Combustor MACT applies to all hazardous waste combustors, including hazardous waste lightweight aggregate kilns.

14. 40 C.F.R. § 63.1200(a)(1) provides that both area sources and major sources are subject to Subpart EEE.
15. Pursuant to the Definitions at 40 C.F.R. § 63.1201(a), Hazardous Waste Combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, hazardous waste burning lightweight aggregate kiln, hazardous waste liquid fuel boiler or hazardous waste hydrochloric acid production furnace.
16. Pursuant to the Definitions of 40 C.F.R. § 63.1201(a), Hazardous Waste Lightweight Aggregate kiln means a rotary kiln that produces clinker by heating materials such as slate, shale and clay for subsequent production of lightweight aggregate used in commerce, and that burns hazardous waste at any time.
17. Pursuant to 40 C.F.R. § 63.1207(b), sources are required to conduct comprehensive performance tests (CPTs) on each hazardous waste combustor to demonstrate compliance with the emission standards established by the Hazardous Waste Combustor MACT, establish limits for the operating parameters provided by 40 C.F.R. § 63.1209, and demonstrate compliance with the performance specifications for continuous monitoring systems.
18. Pursuant to 40 C.F.R. § 63.1207(c) and (d), sources are required to conduct initial and periodic CPTs on each Hazardous Waste Combustor and periodic CPTs on a frequency of no later than every 61 months after the commencement of the previous CPT, except that, pursuant to 40 C.F.R. § 63.1207(c)(2), sources may submit data in lieu of the initial performance test, or with the notification of performance test required under 40 C.F.R. § 63.1207(e), upon a showing that the previous testing:
 - a. was initiated after 54 months prior to the compliance date, except as provided by 40 C.F.R. § 63.1207(c)(2)(iii) or (c)(2)(iv);

- b. results in data that meet quality assurance objectives (determined on a site-specific basis) such that the results demonstrate compliance with the applicable standards;
 - c. was in conformance with the requirements of 40 C.F.R. § 63.1207(g)(1); and
 - d. was sufficient to establish the applicable operating parameter limits under 40 C.F.R. § 63.1209.
- 19. Pursuant to 40 C.F.R. § 63.7(h), a source may obtain a waiver of the requirement to conduct an individual performance test upon application to the delegated agency demonstrating that the source is meeting the relevant standard(s) on a continuous basis, which includes information justifying the request, such as the technical or economic infeasibility, or the impracticality, of the affected source performing the required test, and upon receipt of approval from the delegated agency when, inter alia, it approves a site-specific test plan.
- 20. Pursuant to the EPA's April 27, 2009 Clean Air Act National Stack Testing Guidance, a waiver under 40 C.F.R. § 63.7(h) may be appropriate on a case-by-case basis when criteria such as the following are met:
 - a. the units are located at the same facility;
 - b. the units are produced by the same manufacturer, have the same model number or other manufacturer's designation in common, and have the same rated capacity and operating specifications;
 - c. the units are operated and maintained in a similar manner; and
 - d. the delegated agency, based on documentation submitted by the facility,
 - i. determines that the margin of compliance for the identical units tested is significant and can be maintained on an on-going basis; or

ii. determines based on a review of sufficient emissions data that, though the margin of compliance is not substantial, other factors allow for the determination that the variability of emissions for identical tested units is low enough for confidence that the untested unit will be in compliance. These factors may include, but are not limited to, the following:

1. historical records at the tested unit showing consistent/invariant load;
2. fuel characteristics yielding low variability (e.g., oil) and therefore assurance that emissions will be constant and below allowable levels;
3. statistical analysis of a robust emissions data set demonstrate sufficiently low variability to convey assurance that the margin of compliance, though small, is reliable.

21. Pursuant to 40 C.F.R. § 63.7(a)(3), the EPA may require an owner or operator to conduct performance tests at the affected source at any other time when the action is authorized by 42 U.S.C. § 7414, and that section authorizes the EPA to require, inter alia, sampling of emissions when necessary for developing or assisting in the development of any emission standard applicable to hazardous air pollutants under 42 U.S.C. § 7412.

22. Pursuant to 40 C.F.R. § 63.1209(k)(1)(ii), sources must comply with the dioxin and furans emission standard by complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For lightweight aggregate kilns burning hazardous waste, sources must establish an operating parameter limit for the maximum temperature of the gas at the exit of the (last) combustion chamber (or exit of any waste heat recovery system) on an hourly rolling average, established as the average of the test run averages.

23. Pursuant to 40 C.F.R. § 63.1209(m)(1)(i)(A), sources must comply with the particulate matter emission standard by complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish an operating parameter limit for minimum pressure drop across the wet scrubber on an hourly rolling average, established as the average of the test run averages.
24. Pursuant to 40 C.F.R. § 63.1209(n)(3), sources must comply with the semi-volatile metals and low-volatility metals emission standards by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish an operating parameter limit for minimum pressure drop across the wet scrubber on an hourly rolling average, established as the average of the test run averages.
25. Pursuant to 40 C.F.R. § 63.1209(o)(3)(i), sources must comply with the hydrogen chloride and chlorine gas emission standard by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish an operating parameter limit for minimum pressure drop across the wet scrubber on an hourly rolling average, established as the average of the test run averages.
26. Pursuant to 40 C.F.R. § 63.1209(m)(1)(i)(B), sources must comply with the particulate matter emission standard by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish a minimum blowdown rate using a CMS and either a minimum scrubber tank volume or liquid level, established as the average of the test run averages.

27. Pursuant to 40 C.F.R. § 63.1209(n)(3), sources must comply with the semi-volatile metals and low-volatility metals emission standards by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish a minimum blowdown rate using a CMS and either a minimum scrubber tank volume or liquid level, established as the average of the test run averages.
28. Pursuant to 40 C.F.R. § 63.1209(l)(2), sources must comply with the mercury emission standard by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish an operating parameter limit on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average, established as the average of the test run averages.
29. Pursuant to 40 C.F.R. § 63.1209(m)(1)(i)(C), sources must comply with the particulate matter emission standard by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer's specifications. For venturi scrubbers, sources must establish an operating parameter limit on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average, established as the average of the test run averages.
30. Pursuant to 40 C.F.R. § 63.1209(n)(3), sources must comply with the semi-volatile metals and low-volatility metals emission standards by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer's specifications. For venturi scrubbers, sources must establish an operating parameter limit on either the minimum

liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average, established as the average of the test run averages.

31. Pursuant to 40 C.F.R. § 63.1209(o)(3)(v), sources must comply with the hydrogen chloride and chlorine gas emission standard by establishing and complying with operating parameter limits established during the CPT, unless the limits are based on manufacturer specifications. For venturi scrubbers, sources must establish an operating parameter limit on either the minimum liquid to gas ratio or the minimum scrubber water flowrate and maximum flue gas flowrate on an hourly rolling average, established as the average of the test run averages.
32. Pursuant to 40 C.F.R. § 63.1207(j)(1)(ii), sources must comply with all operating requirements specified in the Notification of Compliance (NOC) upon postmark date of the NOC.
33. Pursuant to 40 C.F.R. § 63.1206(c)(1)(iii), the failure to comply with the operating requirements is failure to ensure compliance with the emission standards of the Hazardous Waste Combustor MACT.
34. 40 C.F.R. Part 63, Subpart A contains the NESHAP General Provisions. Pursuant to 40 C.F.R. § 63.1(a)(4)(i), each relevant standard in Part 63 must identify explicitly whether each provision in Subpart A of Part 63 is or is not included in such relevant standard.
35. Table 1 of 40 C.F.R. Part 63 Subpart EEE provides a list of the General Provisions that are applicable to the Hazardous Waste Combustor MACT, including 40 C.F.R. §§ 63.7(b) and (c), 63.8(e).

C. FINDINGS

36. Respondent owns and operates two Hazardous Waste Combustors (HWCs) to produce shale aggregate in two rotary kilns burning liquid hazardous waste fuel at Respondent's facility located at 628 South Saratoga Street in Cohoes, New York ("Kiln 1" and "Kiln 2"). This Facility

operates under an approved Title V permit issued by New York State Department of Environmental Conservation (NYSDEC): Permit No. 4-0103-00016/00048 with an expiration date of 12/31/2020.

37. Starting in March 2015, the EPA's National Enforcement Investigations Center (NEIC) and the EPA's Region 2 office conducted a multimedia compliance investigation to determine facility's compliance with the Clean Air Act (CAA) and Resource Conservation and Recovery Act.
38. As a result of the NEIC's CAA compliance evaluations, several non-compliance issues in regard to the Hazardous Waste Combustor MACT were discovered.
39. In April 2011, Respondent submitted the "MACT Comprehensive Performance Test Report and Notification of Compliance for Lightweight Aggregate Kilns 1 & 2 (Final Report)" to the EPA. This April 2011 NOC was based on results of the CPT conducted on Kiln 1 during the testing periods of October 18-21, 2010 and January 10-14, 2011. This NOC was intended to establish operating parameter limits for both Kiln 1 and Kiln 2.
40. In response to the analysis made by the EPA as part of the compliance investigation, Respondent provided production and operational data for Kiln 1 and Kiln 2.
41. Based on NEIC's evaluation of the production and operational data provided by Respondent for calendar years 2012-2014, the EPA determined that Kiln 1 and Kiln 2 were operated while burning hazardous waste for approximately 38,834 hourly average periods (rolled each minute) with the heat exchanger exit temperature above the maximum operating parameter limit of 436 degrees Fahrenheit established by the April 2011 NOC.
42. Based on NEIC's evaluation of the production and operational data provided by Respondent for calendar years 2012-2014, the EPA determined that Kiln 1 and Kiln 2 were operated while burning hazardous waste for approximately 1,589,299 hourly average periods (rolled each

- minute) with the venturi scrubber pressure drop below the minimum operating parameter limit of 6.1 inches of water column established by the April 2011 NOC.
43. Based on NEIC's evaluation of the production and operational data provided by Respondent for calendar years 2012-2014, the EPA determined that Kiln 1 and Kiln 2 were operated while burning hazardous waste for approximately 1,828,032 hourly average periods (rolled each minute) with the venturi scrubber tank level below the minimum 58% of tank height established by the April 2011 NOC.
44. Based on NEIC's evaluation of the production and operational data provided by Respondent for calendar years 2012-2014, the EPA determined that Kiln 1 and Kiln 2 were operated while burning hazardous waste for approximately 12,903 hourly average periods (rolled each minute) with the venturi scrubber liquid to gas ratio below the minimum operating parameter limit of 4.9 gallons of scrubber liquid per 1,000 cubic feet of gas flow established by the April 2011 NOC.
45. Respondent has not conducted a CPT on Kiln 1 since commencing the most recent CPT on October 18, 2010.
46. Respondent submitted the "MACT Comprehensive Performance Test Plan for Lightweight Aggregate Kilns 1 and 2 (Revised June 29, 2015)" to the NYSDEC. This CPT states, "[a]s allowed under 40 CFR 63.1207(c)(2), Norlite intends to test one of the two LWAKs and use the data to represent the other unit that is not tested as done during previous compliance testing events. For the 2015 CPT, Norlite plans to test Kiln # 2. These are identical units with the same process instrumentation and pollution control equipment and using emission data from one unit in lieu of testing both units has previously been approved by the New York State Department of Environmental Conservation (NYSDEC)." However, Respondent's attempt to demonstrate compliance with the periodic performance testing requirements for Kiln 1, by invoking the

provisions 40 C.F.R. § 63.1207(c)(2), is ineffective, because that provision only applies to the initial CPT required under 40 C.F.R. § 63.1207(c), and does not apply to the periodic CPTs required under 40 C.F.R. § 63.1207(d).

47. Respondent has not made the showing necessary for approval of a waiver of that test in accordance with the criteria required by 40 C.F.R. § 63.7(h) and EPA's April 27, 2009 Clean Air Act National Stack Testing Guidance, and did not obtain such approval from the NYSDEC or the EPA.

D. CONCLUSIONS OF LAW

Based on the Findings set forth above, EPA reaches the following Conclusions of Law:

48. Respondent is a "person" within the meaning of Section 302(e) of the Act.
49. Respondent is subject to the Hazardous Waste Combustor MACT, 40 C.F.R. Part 63 Subpart EEE.
50. Respondent's Kiln 1 and Kiln 2 are each considered a Hazardous Waste Combustor and subject to 40 C.F.R. Part 63 Subpart EEE.
51. Respondent violated 40 C.F.R. § 63.1209(k)(1)(ii) by failing to operate Kiln 1 and Kiln 2 so that the exit temperature from the heat exchangers remained below the operating parameter limit established by the April 2011 NOC.
52. Pursuant to 40 C.F.R. § 63.1206(c)(1)(iii), Respondent's failure to operate Kiln 1 and Kiln 2 so that the exit temperature from the heat exchangers remained below the operating parameter limit established by the April 2011 NOC is also a failure to ensure compliance with the corresponding dioxins and furans emission standard at 40 C.F.R. § 63.1221(a)(1).

53. Respondent violated 40 C.F.R. §§ 63.1209(m)(1)(i)(A), (n)(3), and (o)(3)(i) by failing to operate the Kiln 1 and Kiln 2 venturi scrubbers to maintain the minimum pressure drop across the wet scrubber established by the April 2011 NOC.
54. Pursuant to 40 C.F.R. § 63.1206(c)(1)(iii), Respondent's failure to operate the Kiln 1 and Kiln 2 venturi scrubbers to maintain the minimum pressure drop across the wet scrubber established by the April 2011 NOC is also a failure to ensure compliance with the corresponding semi-volatile metals, low-volatility metals, hydrogen chloride and chlorine gas, and particulate matter emission standards at 40 C.F.R. §§ 63.1221(a)(3), (a)(4), (a)(6), and (a)(7).
55. Respondent violated 40 C.F.R. §§ 63.1209(m)(1)(i)(B)(I)(ii) and (n)(3) by failing to operate the Kiln 1 and Kiln 2 venturi scrubbers with the minimum scrubber tank liquid level established by the April 2011 NOC.
56. Pursuant to 40 C.F.R. § 63.1206(c)(1)(iii), Respondent's failure to operate the Kiln 1 and Kiln 2 venturi scrubbers with the minimum scrubber tank liquid level established by the April 2011 NOC is also a failure to ensure compliance with the corresponding semi-volatile metals, low-volatility metals, and particulate matter emission standards at 40 C.F.R. §§ 63.1221(a)(3), (a)(4), and (a)(7).
57. Respondent violated 40 C.F.R. §§ 63.1209(l)(2), (m)(1)(i)(C), (n)(3), and (o)(3)(v) by failing to operate the Kiln 1 and Kiln 2 venturi scrubbers with the minimum liquid to gas ratio established during the April 2011 NOC.
58. Pursuant to 40 C.F.R. § 63.1206(c)(1)(iii), Respondent's failure to operate the Kiln 1 and Kiln 2 venturi scrubbers with the minimum liquid to gas ratio established by the April 2011 NOC is also a failure to ensure compliance with the corresponding mercury, semi-volatile metals, low-

volatility metals, hydrogen chloride and chlorine gas, and particulate matter emission standards at 40 C.F.R. §§ 63.1221(a)(2), (a)(3), (a)(4), (a)(6), and (a)(7).

59. Respondent violated 40 C.F.R. § 63.1207(d) by not conducting, or otherwise obtaining a waiver pursuant 40 C.F.R. § 63.7(h) from the requirement to conduct, a CPT on Kiln 1 on a frequency of no later than every 61 months after the commencement of the previous CPT.

E. ORDER

Consistent with the Findings above, and pursuant to Sections 113(a)(3) and 114 of the CAA, IT IS DETERMINED AND ORDERED that:

I

The provisions of this Compliance Order shall apply to Respondent and to its officers, agents, servants, employees, successors and to all persons, firms and corporations acting pursuant to, through or for the Respondent.

II

This Compliance Order will be in effect until Respondent certifies compliance with 40 C.F.R. Part 63, Subpart EEE.

III

Upon the effective date of this Order, Respondent shall comply with all of the operating parameter limits for Kiln 1 established by the April 2011 NOC whenever hazardous waste is fed to the kiln, until a new CPT is performed on Kiln 1 and a corresponding NOC is submitted. This includes the operating parameter limits cited in this Order, including 40 C.F.R. §§ 63.1209(k)(1)(ii), (l)(2), (m)(1)(i)(A), (m)(1)(i)(B)(i)(ii), (m)(1)(i)(C), (n)(3), (o)(3)(i), and (o)(3)(v).

IV

IV

Upon the effective date of this Order, Respondent shall comply with all of the operating parameter limits for Kiln 2 established by the January 29, 2016 NOC whenever hazardous waste is fed to the kiln. This includes the operating parameter limits cited in this Order, including 40 C.F.R. §§ 63.1209(k)(1)(ii), (l)(2), (m)(1)(i)(A), (m)(1)(i)(B)(1)(ii), (m)(1)(i)(C), (n)(3), (o)(3)(i), and (o)(3)(v).

V

Within 15 days from the date of this Order, Respondent will make necessary adjustments to the Kiln 1 and Kiln 2 interlock systems so that no hazardous waste is fed to Kiln 1 or Kiln 2, unless all of the applicable operating parameter limits are being met.

VI

Within seven months from the date of this Order, Respondent must certify compliance with all operating parameter limits for Kiln 1, as established by the April 2011 NOC, and Kiln 2, as established by the January 29, 2016 NOC, for the period from the effective date of this Order to six months after the effective date of this Order. As part of this certification, Respondent will cite any instances of non-compliance with an applicable operating parameter limit, the duration of the non-compliance, the reason for the non-compliance, reasons for continued feed of hazardous waste to the kiln during the non-compliant period, corrective actions taken to come back into compliance, and the result of a root cause analysis to prevent future occurrences.

VII

Within 45 days from the date of this Order, Respondent must submit a site-specific test plan, and a Continuous Monitoring System (CMS) performance evaluation test plan in accordance with 40 C.F.R. §§ 63.7(b) and (c), 63.8(e), and 63.1207(f) to conduct a CPT for Kiln 1 for EPA review and approval.

VIII

If Respondent does not receive notification as to whether the EPA grants or denies approval of the test plan within nine months of Respondent's submission of the test plan, Respondent shall initiate the test as soon thereafter as possible. See 40 CFR § 63.7(c)(3). Once the performance test plan is approved, Respondent must issue a public notice and make the plan available for public review. See 40 CFR§ 63.1207(e)(2).

IX

Within 90 days of EPA's approval of the site-specific test plan, Respondent shall commence the Kiln 1 CPT.

X

At least 60 calendar days before the site-specific comprehensive test is scheduled to take place for Kiln 1, Respondent must submit a notification to the EPA indicating when the test is scheduled to begin.

XI

Within 45 days of the completion of the Kiln 1 CPT, Respondent shall submit the test report to the EPA.

XII

After conducting the comprehensive performance test, Respondent shall comply with Subpart EEE and the required performance tests according to the schedule therein.

XIII

All documents, reports, and results required by this Order shall be submitted to:

Robert Buettner, Chief
Air Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway – 21st Floor
New York, New York 10007-1866

F. GENERAL PROVISIONS

60. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to \$37,500 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1), as well as criminal sanctions as provided in Section 113(c) of the Act. 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.
61. Nothing in this Order shall relieve Respondent of the duty to comply with all applicable provisions of the Act or other federal, state or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
62. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
63. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the Effective Date of this Order until the Termination Date as set out in paragraph 72 below, Respondent must give written notice and a copy of this Order to any successors in

interest prior to any transfer of ownership or control of any portion of or interest in Norlite.

Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

64. Unless this Order states otherwise, whenever, under the terms of this Order, written notice or other document is required to be given, it shall be directed to the individual specified at the address in Section E unless that individual or his successor gives notice of a change of address to the other party in writing. All notices and submissions shall be considered effective upon receipt.
65. To the extent this Order requires Respondent to submit any information to the EPA, Respondent may assert a business confidentiality claim covering part or all of that information, but only to the extent and only in the manner described in 40 C.F.R. Part 2 Subpart B. The EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2 Subpart B. If Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

G. EFFECTIVE DATE AND OPPORTUNITY FOR A CONFERENCE

66. Pursuant to Section 113(a)(4) of the Act, Respondent may request a conference with the EPA concerning the violation[s] alleged in this Order to present evidence bearing on the finding of violation, on the nature of the violation, and on any efforts it may have taken or it proposes to take to achieve compliance. Respondent may have legal counsel at the conference.
67. Respondent's request for a conference must be confirmed in writing within ten (10) days of receipt of this Order. If the requested conference is held, this Order shall become effective ten (10) days after the conference is held, unless otherwise modified by the EPA.

68. If Respondent does not request a meeting within ten (10) days of receipt of this Order, Respondent waives its right to a conference, and this Order shall become effective ten (10) days from its receipt.
69. Any request for a conference, or other inquiries concerning this Order, should be made in writing to:
- Christopher Saporita, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 2
290 Broadway – 16th Floor
New York, New York 10007-1866
(212) 637-
70. Notwithstanding the effective date of this Order, Respondent must comply with all applicable requirements of the Act.

H. JUDICIAL REVIEW

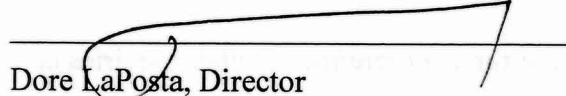
71. Respondent may seek federal judicial review of the Order pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1).

I. TERMINATION

72. This Order shall terminate on the earlier of the following (the “Termination Date”) at which point Respondent shall operate in compliance with the Act:
- a. One year after the Effective Date of this Order; or
 - b. The effective date of any written determination by the EPA that Respondent has achieved compliance with all terms of this Order; or
 - c. Immediately upon receipt by Respondent of notice from the EPA finding that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.

For United States Environmental Protection Agency, Region 2

Issued MAY 13, 2014


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2

To: Darrell Monk, Plant Manager
Norlite, LLC
628 South Saratoga Street
P.O. Box 684
Cohoes, NY 12047

Cc: Robert Stanton
New York State Department of Environmental Conservation
Division of Air Resources
625 Broadway
Albany, NY
12233-3254

Thomas Christoffel
New York State Department of Environmental Conservation
Division of Air Resources - Region 4
1130 North Westcott Road
Schenectady, NY 12306-2014
(518) 357-2045

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON **May 18, 2016**, I MAILED A TRUE COPY OF THE ATTACHED DOCUMENT BY **CERTIFIED MAIL-RETURN RECEIPT REQUESTED**, **ARTICLE NUMBERS 7015-0640-0001-0675-5401** POSTAGE PRE-PAID, UPON THE FOLLOWING PERSON(S):

**Mr. Darrell Monk, Plant Manager
Norlite, LLC
628 South Saratoga Street
P.O. Box 684
Cohoes, New York 12047**


Geraldo Villaran

